

SATURDAY, DECEMBER 13. 1735.

144.

## A Discourse upon the Rights of Nature, and the Rights of Society.



NOTHING is of so much Importance to Mankind as the Knowledge of what their Rights are; and yet nothing has been less enquired into, or more imperfectly treated of. The sole Origin of Right hath been neglected or forgotten; Nature, the only Standard of all Beauty and Deformity, of

all Truth and Falshood, Good and Evil, Right and Wrong, hath been entirely laid aside; and Authority hath arrogantly usurped its Place: For Men having been used, several Thousands of Years, and in most Parts of the World, to Government, or Tyranny however called Government, and bred up in Subjection to Power, are apt to imagine that there is no Right but what arises from Authority either Civil or Religious, and have declared, that Authority and Law constitute Right: Whereas 'tis so far from being true, that Authority and Law constitute Right, that no Authority or Law is Right, but what arises from, and is founded upon the Law of Nature; by which I always mean the Reason of Nature, or the Reason of Action arising from the Nature of Things, which is called a Law, because it ought to have the Force of a Law with all intelligent Beings.

Most of the Writers on Politicks, not excepting the Greatest, having founded Government upon a Cession or Surrender of natural Rights; and so celebrated an Author as Mr. Locke having asserted, 'That Men, when they enter into Society, give up the Equality, Liberty and executive Power which they had in the State of Nature;' and Mr. Hobbes, the Father of this unnatural Philosophy, having made it the Basis of his Leviathan or great Civil Monster, That Government is a Surrender made of every Man's private unlimited Right into the Hands of the supreme Power; we will examine this Subject to the Bottom, and shew, that Government is so far from being founded on a Cession or Surrender of natural Rights, that no Government is Right, but what recognizes, establishes and secures the Subjects in Possession of all their natural Rights; and that the sole End of entering into Society, is only the greater Preservation and Security of them.

THERE is as truly a Standard of Right in Religion, Morals, and Politicks, as there is in Sculpture, Painting, or any other Art; which Standard is Nature: And tho' Men have neglected it, and been misled, thro' an implicit Deference to celebrated Names and Customs of Countries, yet all Truth, Propriety, and Rectitude must be tried by this unerring Rule only, the Nature of Things.

'Tis true indeed, that Writers of no mean Figure in the World, have sacrificed this divine Law of Nature or Reason to serve various Purposes: Some have given up all natural Right, and made a Sacrifice of the eternal Reason of Things to the unrestrained Gratification of all their Appetites and Passions: Others have made a Compromise of these natural Rights to the Civil Power, and set up Civil Good and Evil instead of Moral Good and Evil: And there have been others, who have sacrific'd them to Superstition, which they have impiously called Religion. But as my Subject leads me to treat of the Law of Nature with respect to Government, I shall wave the Consideration of Religion and Morals, and proceed to shew, that Government is not, or ought not to be founded upon a Cession or Surrender of any natural Right: In order to which I will, first of all, fix and determine what natural Right is, or what are the Rights of Nature.

THE Rights of Nature are all uniform, consistent, invariable, eternal, and never clashing or interfering with one another, as the Wills of Sovereigns, or even human Laws are often found to be; nor can these Rights be made. Governments can no more constitute or make Right, than they can make a Man, an Animal, or a Vegetable, different from what Nature has made them. If Right and Wrong did not subsist in the Creature singly, it could not subsist afterwards by any Civil Union or Confederacy called Government. Power or Law cannot constitute Fidelity, Justice, Honesty, Vir-

tue, or Acts of Humanity; no, they would be the same were there no Law or Authority in the World; nor could Governments have any Notion of them had they not subsisted in Nature, and been conceived and felt by Individuals. If 'twas wrong in Nature to hurt a Man who did no other Man any Hurt, Government cannot make it right; nor, if there is not a Right and Wrong in Nature, can there ever be a Reason for any Government, or for any Exercise of Power or Law: For why Government? why a Command? why a Prohibition? when nothing is Right or Wrong. If there is a Reason for the Law, there must be a Reason for the Action antecedent to the Law; and if there be a Reason for the Action, that Reason must arise from the Nature and Relation of Things, and constitute the Reason or Equity of the Law.

BUT, to be more particular; the Rights of Nature are the same to all Men, because all Men are, by Nature, equal, that is, (tho' there is a Disproportion in Sagacity, Strength, Beauty, or mental Abilities) they have an equal Right to the Preservation of their Persons and Properties.

THESE Rights of Nature are not, as Mr. Hobbes affirms, Unlimited; nor has every Man an equal Right to every Thing; for, affirming That, is affirming, that no Man has a Right to any thing: He who says, that two Men have an equal Right to the same Peach, says, that neither of them has a Right; for Rights can't be Inconsistent. But this wild and monstrous State of Nature, drawn by more monstrous Men, hath given Occasion to Writers on Politicks to lay Restraints upon the Rights of Nature, and affirm, that all Government requires a Cession or Surrender of them; or at least of some important ones: But this will appear absolutely false, when the Rights of Nature are fix'd and determin'd by the Law of Nature or Reason, which may be easily done; for they may be all comprehended in this one Proposition.

EVERY Man, by the Law of Nature or Reason, hath a Right to such an Use of his Person and Property, as is consistent with the Right of all other Men to the Use of their Persons and Properties; and also a Right to such an Use of all his rational Faculties, as is consistent with the Rights of all other Men to the Use of their rational Faculties.

THIS is the only Right any Man has by the Law of Nature; and, from this general Proposition, may every natural Right be deduced; but he has no other Right. A hath not a Right to B's Person and Property: He has no Right to such a Gratification of his Appetites and Passions, or to such an Exercise of the Faculties of his Mind, as breaks in upon B's Right; for then B would have the same Right to break in upon A's. The Consequence of which is, that neither A nor B hath any Right to their Persons, Properties, or Understandings; or rather, they would have neither Persons, nor Properties, nor Understandings, which they could justly call their own.

To these Absurdities all Men must be driven, who assert an unlimited Right of Nature, to do whatever we please. But the Rights of Nature are all limited by that Reason of Action which arises from the Constitution of the Creature, and the Relation he stands in to other Creatures. Whoever gratifies his Appetites or Passions beyond the Bounds of his Constitution, is Intemperate, and will feel Misery in himself; and whoever breaks in upon the Relation which he stands in of Man to Man, is unjust, and will feel Misery from others.

BUT let us consider the Rights of Nature in another Light; for we can't be too plain in a Point of such vast Importance.

EVERY Man, upon Reflection, will find, that if he had no Ideas of Happiness or Misery, he would be absolutely without Ideas of Right and Wrong in a moral Sense: If a Man could not be made Happy or Miserable by his own Actions, or by the Actions of another, we should never have called such an Action Good or Ill, Virtuous or Vicious, Right or Wrong: All Men of Sense, therefore, will immediately perceive, that Right and Wrong are relative Ideas to Happiness or Misery; and that those Actions which naturally tend to produce the greatest Good to a Man through the whole of his Existence, without injuring others, are right Actions; or, in fewer Words, Actions naturally Productive of the greatest Good or Happiness to the Species, are right Actions. If of Good to a Man's self only, I had rather

call them Wise or Prudent, tho' right; but if productive of Good to others, and so intended, then I would call them Virtuous and Beneficent.

It being evident then, that Actions naturally productive of Good, without injuring other Men in their Persons or Properties, are right Actions; and that we can have no Rights inconsistent with the Rights of others, the Rights of Nature will be easily understood by every Man who has no private Interest against understanding of them.

MEN, in a State of Nature, have only a Right in Themselves and Properties; they have no Right over others, till they have forfeited their own Rights, by invading those of their Fellow Creatures: And 'tis exactly the same, or ought to be so in all Societies or Governments. These natural Rights we have a Right to defend against every other Man; but not always Power to defend them while we remain without Government; and that was the Reason, the only Reason of entering into Society, and erecting one common Power, to protect every Man more effectually in the full Possession of all his natural Rights, but not to oblige him to make a Cession or Surrender of any of them; as we will shew in our next Discourse on this Subject.

F. OSBORNE

L O N D O N.

Yesterday arrived a Mail from Holland.

The Letters from Petersburg confirm, that the Czarina has no Intention to break with the Turks; and that all her military Preparations are to be revenged on the Tartars for their Incursions; to prevent which for the future, she is fortifying her Frontier Places. They add, that, for the Encouragement of the new Colony settled on the Borders of the Derbeck Tartars on this Side of the River Don, she allows them, among other Privileges, that of importing all sorts of Goods and Merchandize from that Country, into her Dominions, for ten Years, without paying Custom.

Some Advices from Koningsberg say, that Count Tarlo, the Palatine of Lublin, has published a Manifesto, justifying his Attachment to King Stanislaus; and they mention a Report there, that he is nominated by that Prince, for his Plenipotentiary at the ensuing Congress; but that Stanislaus being ordered by the French King to meddle no more with the Affairs of Poland, has sent an Express to General Steinflicht, and others of his Adherents that are along with the Kurpies, to repair to Koningsberg; and that he has ordered his Domesticks to dress in the French Mode.

They write from Warsaw, that the General Rhenbinder, who distinguished himself so much during the late Troubles in Poland, in favour of King Stanislaus, has, with his Consent, entered into the Service of Russia. 'Tis still said, that the Russian Troops will soon quit that Kingdom, except 7 or 8000 Men, who are to remain there till the Conclusion of a general Peace. Mean time the Kurpies who are for King Stanislaus, have lately renewed their Incursions upon the Territories of the Republick, and carried off a Captain with 20. Soldiers of the Crown Guards, and pursued some of the Tartars of the Lithuanian Army to the very Frontiers of Prussia; but one of the Prussian Generals is marched with a considerable Detachment to reduce them, and hopes to starve them, by cutting off the Provisions which they are obliged to fetch from the Territories of the Republick.

The Letters add, that on the 30th ult. when they were celebrating at Court the Festival of the Order of the Golden Fleece, and that of St. Andrew its Patron, as well as of the Empire of Russia, a sad Accident happened at Warsaw by the Firing of the Artillery of the Castle during the Circulation of the principal Healths; for the Wind was that Day so violent, that tho' the Barrels of Powder were at a proper Distance from the Cannon, and well covered, yet the Sparks of Fire reach'd to them and blew them up in the Air, so that 4 Centinels were killed and 6 Gunners wounded.

Letters from Dantzick say, that the Magistrates are about borrowing a considerable Sum of Money to pay the Arrears due to the Czarina; and that King Stanislaus



hilaus has sent an Officer to the Senate, to renew his Assurances, that the Losses sustained by the Bombardment of their City, shall soon be made good.

M. de la Chetardie the Minister of France, had a private Audience of his Prussian Majesty on the 11th, in which he deliver'd him a Letter from his Master, and afterwards had the Honour to dine with his Majesty. They seem so sure of a Peace in Prussia, that the Horses belonging to the Train of Artillery that are returned from the Empire, to the Number of 230, are sold to highest Bidder, and the Waggon and other Carriages that were made use of on that Occasion, are replaced in the Magazines.

There was a great Hunting Match by the King and the Prince Royal on the 9th, when 200 Wild Boars were killed in the Neighbourhood of Berlin, which were afterwards distributed among the Inhabitants of that City.

They write from Vienna, that the Venetian Ambassador has, by Order of the Republick, complain'd that some Ships mann'd at Trieste have taken 7 Venetian Ships in the Adriatick Gulph, on Pretence that they had Provisions on board for the Spaniards, and that the Emperor's Ministers have promised him Satisfaction, if, upon Inquiry, the Fact appears to be true. They expect every Hour at the Imperial Court the Return of the Courier whom M. de l'Estang the French Minister, dispatch'd on the 23d of last Month to Paris, when 'tis not doubted but the Preliminary Articles agreed on with France, will be published, and that his Imperial Majesty will impart them to the Dyet of the Empire. They give out, that the Commissorial Decree for that Purpose is actually gone, and that an Abbot has been for some time *incog.* at Vienna, who is veiled with an important Commission from the Court of Spain. 'Tis affirm'd, that the Duke of Lorain is to be married next Spring to the Emperor's Daughter, and that afterwards Prince Charles of Lorain is to marry the Second Archduchess.

They add from Vienna, that when M. de l'Estang had Audience of the Emperor, he made him a Compliment in the French Language, which was admired for its happy and ingenious Turn, and, at the same time, he presented him a most respectful Letter from the Cardinal Fleury, wherein his Eminency expressed his Joy and Satisfaction at the happy Success of the Measures taken for the Re-establishment of a Peace. The said Minister also delivered Count Sinzendorf a Letter from the Cardinal. The Ringleader of the Hungarian Rebels, call'd Bern, who is Prisoner at Buda, having six Times suffered a new Torture of the most painful Kind, so that he has almost lost the Use of his Limbs, who is now having made any Confession, tho' there are very plain Proofs against him, is forthwith to be set at Liberty. There has been one of the greatest hunting Matches in the Forest of Neustadt, 5 Leagues from Ratisbon, that there has been in Bavaria during the Time of this Elector. His Subjects had suffered so much from the prodigious Number of wild Boars in several Parts of the Country, that he went out to hunt them, together with the Electress, and most of the Nobility of his Court of both Sexes. The Chase lasted several Days, during which they killed 800 of those Beasts; and the Electress, who shoots as well as most Men, killed about Threescore with her own Hand.

The Letters from Italy say, that the Imperial Hussars who went in Pursuit of the Spaniards, and made several Hundred of their sick Men Prisoners, have restored them at the Request of the Marshal de Noailles. And the Advices from Frankfort of the 14th Instant are positive, that the Armistice between the Imperial, Piedmontese and Spanish Troops in Italy, was publish'd on the 7th. The Accession of the Spaniards to the said Suspension, is likewise confirm'd from divers Parts of Italy.

They write from Cadiz, that the Flotilla for Vera Cruz, consisting of 4 Men of War and 9 Merchant Ships, failed thence the 22d ult. under Command of Admiral Pintado, richly laden.

A particular Letter from Paris says, that a very fine Sword is making there as a Present, 'tis supposed, for some great Prince, the Hilt and Scabbard being to be adorn'd with Diamonds worth 300,000 Livres; and that on the 11th Instant the King, having received an Express that Morning at Versailles from M. de l'Estang at Vienna, said to the Court Lords as he was at Dinner, *I am to acquaint you, that the Peace is made between the Emperor and Me, and that our Differences are accommodated.* And they write from Bozolo in Italy, that the Prince of Saxe Hilburghausen dining with the Marshal de Noailles on the Day that he left that Place, said, *The Emperor's Army would shortly be composed of 57 Battalions and 14000 Horses: To which the Marshal made Answer, I have Reason to think, that the said Augmentation will be but for a short Space of Time, and I wish it with all my Heart.* He did not explain himself

further; nor did the Prince desire it: From whence 'tis conjectur'd, that the Spanish Court is not averse to an Accommodation.

We hear that the Right Hon. the late Earl of Peterborough settled, by his Will, his Seat at Mount Bevis near Southampton, and 2000 l. per Annum, on his Countess.

Yesterday his Excellency M. Chavigny, Ambassador Extraordinary from the most Christian King, was introduced to his Majesty at St. James's, and communicated to his Majesty in Form, the Preliminaries signed at Vienna, &c.

The same Day Jacob Morgan of Isleworth, Esq; was married to Miss Fotherby, Daughter of Philip Fotherby of Richmond, Esq; a beautiful young Lady, with a Fortune of 12,000 l.

His Majesty has been pleased to appoint Mr. Joseph Thifilton to be a Cornet in the Regiment of Dragoons commanded by the Right Hon. the Lord Cadogan.

Last Night was interred at Marybone, Mr. Sandford, one of the chief Clerks in the Office of William Benson, Esq; Auditor of the Imprests, who has preferred S. Whatley, jun. to his Place; and re-instated Mr. Tyler, who was junior Clerk to the late Auditor.

Yesterday 13 Prisoners were tried at the Old Bailey, 5 of whom were capitally convicted, viz. William Wreathock, Peter Chamberlain, George Bird, James Ruffet, and Gilbert Campbell, for being concerned with M<sup>r</sup> Cray in robbing Dr. Lancaster.

Two were cast for Transportation, and 5 acquitted. Charles Mecklim was tried for the Murder of Mr. Hallam the Player, and found guilty of Manslaughter.

The Oratory Subject on Sunday Morning next, will be the Blessed Virgin's Visit to St. Elizabeth, before the Birth of Christ, and the Conduct of Visits; any Gentleman is free to propose his Sentiments, a Subject, or Question, after any Oration or Lecture: In the Evening, at Six, will be an Oration on the Espousal of a Woman in order to Marriage, the Foreign Laws of Espousals, and the Preference of Marriage or a single Life, and the Connubial Choice: — Then a Publick Disputation on the Excommunication of the Rev. Mr. Chancellor Eyre, and his Case. The Spousal Oration was engag'd on a Treaty now transacting. The Disputations last Sunday, were carried on by the Gentlemen with Clearness and great Regularity.

Yesterday Bank Stock was 145 1-4th. India 165 1-half. South Sea 92 1-half. Old Annuity 108 1-half. New ditto 109 1-4th. Three per Cent. 98 3-4ths to 7-8ths. Emperor's Loan 107 3-4ths. Royal Assurance 102. London Assurance 13. York Buildings 2 1-4th. African 15. India Bonds 51. 3s. Prem. Three per Cent. ditto 31. 12 s. Premium. South Sea Bonds, no Price. New Bank Circulation 51. 5s. Prem. Salt Tallies 41. Premium. English Copper 21. 1s. Welsh ditto, Books shut. Three 1-half per Cent. Exchequer Orders 3 per Cent. Prem. Million Bank 109 1-half.

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Sold, by Licence, at Garraway's Old Shop, Practical School, at the Royal Exchange; Mr. R. Bradshaw's Warehouse at the Royal Exchange; Mr. John Potter, Chymist, in Bartholomew Close; Mr. William Evans, Bookseller in Bristol; Mr. Hammond, Jun. Bookseller at York; Mr. Roe, Bookseller in Derby; Mr. Raikes, Printer in Gloucester; Mr. Dyer, Printer in Northampton; Mr. Thomas Greenhill, Mercer, at Bath; Mr. Abree, Printer, at Canterbury; Mr. Bonnet, an Apothecary at Kidderminster; Mrs. Trobridge, a Shop-keeper in Exeter; Mr. Hallifax, an Apothecary at Brighthelm; Mrs. Unett, a Bookseller, at Wolverhampton, and Mr. Bryan, a Printer, at Worcester.

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